

ANDRÉ BIROTE JR.
United States Attorney
SANDRA R. BROWN
Assistant United States Attorney
Chief, Tax Division
TAMAR KOUYOUNJIAN (CA SBN 254148)
Assistant United States Attorney
Room 7211, Federal Building
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (213) 894-7388
Facsimile: (213) 894-0115
Email: tamar.kouyoumjian@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

UNITED STATES OF AMERICA,) Case No. SACV 11-1412-AG (MLGx)
Petitioner,)
vs.) ORDER TO SHOW CAUSE
WILLIAM R. MILLER,)
Respondent.)

Upon the Petition and supporting Memorandum of Points and Authorities, and the supporting Declaration to the Petition, the Court finds that Petitioner has established its *prima facie* case for judicial enforcement of the subject Internal Revenue Service ("IRS" and "Service") summons. See United States v. Powell, 379 U.S. 48, 57-58, 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also Crystal v. United States, 172 F.3d 1141, 1143-1144 (9th Cir. 1999); United States v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney v. United States, 59 F.3d 117, 119-120 (9th Cir.

1 1995) (the Government's *prima facie* case is typically made
2 through the sworn declaration of the IRS agent who issued the
3 summons); *accord*, United States v. Gilleran, 992 F.2d 232, 233
4 (9th cir. 1993).

5 **THEREFORE, IT IS ORDERED** that Respondent appear before this
6 District Court of the United States for the Central District of
7 California in Courtroom No. 10D,

8
9
10 XX Ronald Reagan Federal Building and United States Courthouse
11 411 West Fourth Street,
Santa Ana, California 92701
12

13 on **November 7, 2011**, at 10:00 a.m. and show cause why the
14 testimony and production of books, papers, records and other data
15 demanded in the subject Internal Revenue Service summons should
16 not be compelled.

17 **IT IS FURTHER ORDERED** that copies of this Order, the Petition, Memorandum
18 of Points and Authorities, and accompanying Declaration be served
19 promptly upon Respondent by any employee of the Internal Revenue
20 Service or by the United States Attorney's Office, by personal
21 delivery, or by leaving copies of each of the foregoing documents
22 at the Respondent's dwelling or usual place of abode with someone
23 of suitable age and discretion who resides there, or by certified
24 mail.

25 **IT IS FURTHER ORDERED** that within ten (10) days after service upon
26 Respondent of the herein described documents, Respondent shall
27 file and serve a written response, supported by appropriate sworn
28 statements, as well as any desired motions. If, prior to the

1 return date of this Order, Respondent files a response with the
2 Court stating that Respondent does not desire to oppose the
3 relief sought in the Petition, nor wish to make an appearance,
4 then the appearance of Respondent at any hearing pursuant to this
5 Order to Show Cause is excused, and Respondent shall be deemed to
6 have complied with the requirements of this Order.

7 **IT IS FURTHER ORDERED** that all motions and issues raised by the
8 pleadings will be considered on the return date of this Order.
9 Only those issues raised by motion or brought into controversy by
10 the responsive pleadings and supported by sworn statements filed
11 within ten (10) days after service of the herein described
12 documents will be considered by the Court. All allegations in
13 the Petition not contested by such responsive pleadings or by
14 sworn statements will be deemed admitted.



15
16 DATED: September 14, 2011

17 United States District Judge
18 Andrew J. Guilford

Presented By:

19 ANDRÉ BIROTTÉ JR.
20 United States Attorney
21 SANDRA R. BROWN
22 Assistant United States Attorney
23 Chief, Tax Division

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25 TAMAR KOUYOUNJIAN
26 Assistant United States Attorney
27 Attorneys for United States of America
28 Petitioner